

REMARKS/AGRUMENTS

Claims 1-100 are pending. Claims 1-100 stand rejected in the Office Action mailed February 20, 2004.

The drawings have been objected to.

Claims 5, 6, 22, 23, 25, 26, 40-42, 45, 46, 56-57, 59, 60, 63-65, 80, 82, 85, 86, 96 and 99 have been objected to as having insufficient antecedent basis.

Claims 1, 17, 57, 58, 63, 64, and 75 have been rejected under 35 U.S.C. §112 ¶ 2 as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention.

Claims 1-4, 6, 7, 17-19, 24, 26, 27, 34, 37, 38, 39, 40, 42-44, 46, 57, 58, 60, 61, 63, 64, 77-80, 82-84, 86, 97, and 98 are rejected under 35 U.S.C. §102(e) as being anticipated by US Patent No. 6,389,278 of Singh (hereafter Singh).

Claims 5, 25, 45, 59, and 85 are rejected under 35 U.S.C. §103(a) as being unpatentable over Singh in view of US Patent No. 6,563,915 of Salimando (hereafter Salimando).

Claims 8, 20, 21, 22, 23, 41, and 81 are rejected under 35 U.S.C. §103(a) as being unpatentable over Singh in view of US Patent Publication No. 2002/0095359 of Mangetsu (hereafter Mangetsu).

Claims 9-15, 28-33, 35, 47-55, 67-75, and 87-95 are rejected under 35 U.S.C. §103(a) as being unpatentable over Singh in view of US Patent No. 6,563,915 of Reece, et al. (hereafter Reece).

Claims 16, 36, 56, 76, and 96 are rejected under 35 U.S.C. §103(a) as being unpatentable over Singh in view of Reece and in further view of US Patent Publication No. 2002/0193135 of Nakano (hereafter Nakano).

Claim 62 is rejected under 35 U.S.C. §103(a) as being unpatentable over Singh in view of the alleged knowledge in the art.

Claims 65, and 66 are rejected under 35 U.S.C. §103(a) as being unpatentable over Singh in view of US Patent No. 6,067,561 of Dillon (hereafter Dillon).

Claim 99 is rejected under 35 U.S.C. §103(a) as being unpatentable over Singh in view of US Patent No. 6,542,732 of Khazaka (hereafter Khazaka).

Claim 100 is rejected under 35 U.S.C. §103(a) as being unpatentable over Singh in view of US Patent No. 6,611,501 of Owen, et al. (hereafter Owen).

Claims 1-3, 5-10, 13-14, 16-20, 22-23, 25-29, 32, 34, 36-43, 45-51, 53-57, 59-61, 63-65, 67-73, 75, 77-83, 85-91, and 93-100 have been amended. It is respectfully submitted that no new matter has been added.

The Examiner stated that the previously filed IDS did not include certain references. A new IDS is submitted herewith, with all references provided.

#### **DRAWING OBJECTIONS**

The Examiner has objected to the drawings for failing to show every feature of the invention specified in the claims. Formal drawings are submitted herewith, that identify multiple logic units and properly mark telephone network 160. Accordingly, applicant respectfully submits that the objections have been overcome by the amendments and these remarks, such that withdrawal of these objections is respectfully requested.

#### **CLAIM OBJECTIONS**

The Examiner has objected to claims 5, 6, 22, 23, 25, 26, 40-42, 45, 46, 56-57, 59, 60, 63-65, 80, 82, 85, 86, 96 and 99 as having insufficient antecedent basis. Claims 5, 6, 22, 23, 25, 26, 40-42, 45, 46, 56-57, 59, 60, 63-65, 80, 82, 85, 86, 96 and 99 have been amended to provide sufficient antecedent basis. Accordingly, applicant respectfully submits that the objections have been overcome by the amendments and these remarks, such that withdrawal of these objections is respectfully requested.

### CLAIM REJECTIONS

#### 35 USC §112 ¶ 2

The Examiner has rejected claims 1, 17, 57, 58, 63, 64, and 75 under 35 U.S.C. §112 ¶ 2 as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention.

Claims 1, 17, 57, 58, 63, 64, and 75 have been amended to overcome the Examiner's rejections. Accordingly, Applicants respectfully submit that the rejections under 35 U.S.C. §112(2) have been overcome by the amendments and these remarks, such that withdrawal of these rejections is respectfully requested. Applicant submits that claims 1, 17, 57, 58, 63, 64, and 75 as amended are now in condition for allowance and such action is earnestly solicited.

#### 35 USC §102 (e)

The Examiner has rejected claims 1-4, 6, 7, 17-19, 24, 26, 27, 34, 37, 38, 39, 40, 42-44, 46, 57, 58, 60, 61, 63, 64, 77-80, 82-84, 86, 97, and 98 under 35 U.S.C. §102(e) as being anticipated by US Patent No. 6,389,278 of Singh. Applicants submit that claims 1-100 are not anticipated by Singh. In regard to the rejection of claims 1, 37, 57, and 77, the Examiner has stated in part that "regarding "a first....that provider", Singh teaches on column 2 line 19-29 a list of service providers is provided for the initial call." (2/20/04, Office Action, p. 7)

Applicant respectfully submits that, claim 1 is not anticipated by Singh. The Federal Circuit has held that a "claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference."

*Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim."

*Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, (Fed. Cir. 1989). Claim 1 recites the features of *a first logic unit to provide a list of service providers via an Internet connection, indicating a real-time availability and a rate of each service provider of the service providers.*

(Emphasis added) Singh does not disclose these features as can be seen by the following analysis of Singh.

Singh discloses systems and methods for identifying a service provider from a wireless communicator based on categories of service providers that are called. (Singh, title) Although Singh describes initiating a call to a service provider, the service provider is obtained from a multitude of previously stored electronic business cards ("cards"). (Singh, col. 3, ll. 61-63) The cards may be obtained by scanning a business card or may be entered by a user manually. (Singh, col. 4, ll. 6-8) Thus, Singh does not ***provide a list of service providers via an Internet connection*** as claimed by applicant in claim 1. Nor, does Singh describe ***a list...indicating a real-time availability*** because Singh's card is generated from preexisting information entered manually or taken from a business card. (Singh, col. 4, ll. 6-8) Finally, Singh does not describe ***a list...indicating a rate of each service provider***. In regard to the rejection of claim 9, the Examiner concedes that Singh failed to teach "the pre-established set of criteria includes a rate of the service provider." (2/20/04, Office Action, p. 9)

Because Singh does not disclose ***a first logic unit to provide a list of service providers via an Internet connection, indicating a real-time availability and a rate of each service provider of the service providers*** as taught by claim 1, and given that claims 2-16 depend from claim 1, applicant respectfully submits that claims 1-16 are not anticipated under 35 U.S.C. §102(e) by Singh.

The Examiner also rejected independent claim 37 under 35 U.S.C. §102(e) for the reason set forth in the rejection of claim 1. Claim 37 discloses substantially similar limitations as claim 1, and recites ***sending a list of service providers via an Internet connection, indicating a real-time availability and a rate of each service provider on the list***. (Emphasis added) Because, Singh does not disclose these features as taught by applicants for the reasons discussed above with regard to claim 1, and given that claims 38-56 depend from claim 37, applicant respectfully submits that claims 37-56 are not anticipated under 35 U.S.C. §102(e).

The Examiner also rejected independent claim 57 under 35 U.S.C. §102(e) for the reason set forth in the rejection of claim 1. Claim 57 discloses substantially similar limitations as claim 1, and recites *providing the user with a list of alternate service providers via an Internet connection, indicating a real-time availability and a rate of each alternate service provider.* (Emphasis added) Because, Singh does not disclose these features as taught by applicants for the reasons discussed above with regard to claim 1, and given that claims 58-76 depend from claim 57, applicant respectfully submits that claims 57-76 are not anticipated under 35 U.S.C. §102(e).

The Examiner also rejected independent claim 77 under 35 U.S.C. §102(e) for the reason set forth in the rejection of claim 1. Claim 77 discloses substantially similar limitations as claim 1, and recites *sending a list of service providers via an Internet connection, indicating a real-time availability and a rate of each service provider on the list.* (Emphasis added) Because, Singh does not disclose these features as taught by applicants for the reasons discussed above with regard to claim 1, and given that claims 78-96 depend from claim 77, applicant respectfully submits that claims 77-96 are not anticipated under 35 U.S.C. §102(e).

**35 USC §103 (a)**

**Singh in view of Salimando**

The Examiner has rejected claims 5, 25, 45, 59, and 85 under 35 U.S.C. §103(a) as being unpatentable over Singh in view of Salimando. In regard to the rejection of claims 5, 25, 45, 59 and 85, the Examiner states that:

Singh failed to teach “the information...recorded transmission”.  
However, Salimando teaches on column 2 line 14-16 the service provider provides a stored (claimed “recorded”) information service to telephone customers.

(2/20/04, Office Action, p. 8)

Applicants respectfully submit that claims 1-100 are not obvious in view of the combination of Singh and Salimando. It is respectfully submitted that it would be impermissible hindsight, based on applicant's own disclosure, to combine Singh and Salimando. Obviousness

can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988). However, nowhere is there any indication that the references provide any motivation for the recited combination. Instead, it appears the teachings of the present application have been used as a blueprint to gather together and assemble various components of the prior art in the manner contemplated by applicants. This is a classic example of the use of hindsight reconstruction, and cannot properly be used as grounds for rejecting the present claims.

The U.S. Court of Appeals for the Federal Circuit has strongly criticized such applications of hindsight by specifically indicating that when an obviousness determination is made based upon a combination of references, even a patent examiner "must show reasons that the skilled artisan, confronted with the same problems as the inventor *and with no knowledge of the claimed invention*, would select the elements from the cited prior art references for combination in the manner claimed." *In re Rouffet*, 149 F.3d 1350, 1357 (Fed. Cir. 1998) (emphasis added). Merely indicating, as the Examiner argues in its motion, that the claimed invention would be obvious to one of ordinary skill in the art based on the combination of the references is utterly inadequate. *Rouffet*, at 1357. Instead, what is needed is a showing of motivation, either from the references themselves or the knowledge of those of ordinary skill in the art, for the combination being relied upon. *Rouffet* at 1357.

In the present case, there has been no showing of such motivation. Instead, the Examiner attempts to deconstruct the subject matter of the claims of the present application into its constituent components, states where each such component may be found in one of the cited references, and then concludes that it would have been obvious to combine the references to arrive at the claimed invention. This bare bones analysis is not sufficient to support a determination of obviousness. The burden is on the Examiner to show *why* one be so motivated

as to come up with the combination being relied upon. *Rouffet*, at 1357-1358 ("If such a rote invocation could suffice to supply a motivation to combine, the more sophisticated scientific fields would rarely, if ever, experience a patentable technical advance. Instead, in complex scientific fields [an infringer or the Patent Office] could routinely identify the prior art elements in an application, invoke the lofty level of skill, and rest its case for [obviousness]. To counter this potential weakness in the obviousness construct, the suggestion to combine requirement stands as a critical safeguard against hindsight analysis and rote application of the legal test for obviousness.")

Even if Singh and Salimando were combined, such a combination would lack one or more features of the rejected claims. In regard to the rejection of claim 5, claim 5 depends from claim 1 that recites the feature of "*a first logic unit to provide a list of service providers via an Internet connection, indicating a real-time availability and a rate of each service provider of the service providers*" (claim 1) (emphasis added). Singh does not disclose these features for the reasons discussed above regarding the rejection of claim 1. Likewise, Salimando does not disclose these features as well, as shown by the following analysis.

Salimando provides a system that includes a method and apparatus for automatically barging-in on telephone calls. (Salimando, abstract) Nowhere in Salimando's patent, does he describe an Internet connection, let alone *providing a list of service providers via an Internet connection*, as claimed by applicant in claim 1. Nor does Salimando describe *indicating a real-time availability and a rate of each service provider*. (claim 1) Because the combination of Singh and Salimando does not disclose these features as taught by applicants and given that claims 2-16 depend from claim 1, it is respectfully submitted that claims 1-16 are not made obvious under 35 U.S.C. §103(a) by Singh in view of Salimando.

The Examiner also rejected claim 25 under 35 U.S.C. §103(a) for substantially the same reasons set forth in the rejection of claim 5. Claim 25 depends from claim 17 that discloses substantially similar limitations as claim 1, and recites *a first logic unit to provide a list of service*

*providers via an Internet connection, indicating a real-time availability and a rate of each service provider of the service providers.* (Emphasis added) Because neither Singh nor Salimando disclose this feature as taught by applicant's claim 17 from which claims 18-36 depend, for the reasons discussed above with regard to the rejection of claim 5, applicant respectfully submits that claims 17-36 are not made obvious under 35 U.S.C. §103(a) by Singh in view of Salimando.

The Examiner also rejected claim 45 under 35 U.S.C. §103(a) for substantially the same reasons set forth in the rejection of claim 5. Claim 45 depends from claim 37 that discloses substantially similar limitations as claim 1, and recites *sending a list of service providers via an Internet connection, indicating a real-time availability and a rate of each service provider on the list.* (Emphasis added) Because neither Singh nor Salimando disclose this feature as taught by applicant's claim 37 from which claims 38-56 depend, for the reasons discussed above with regard to the rejection of claim 5, applicant respectfully submits that claims 37-56 are not made obvious under 35 U.S.C. §103(a) by Singh in view of Salimando.

The Examiner also rejected claim 59 under 35 U.S.C. §103(a) for substantially the same reasons set forth in the rejection of claim 5. Claim 59 depends from claim 57 that discloses substantially similar limitations as claim 1, and recites *providing the user with a list of alternate service providers via an Internet connection, indicating a real-time availability and a rate of each alternate service provider.* (Emphasis added) Because neither Singh nor Salimando disclose this feature as taught by applicant's claim 57 from which claims 58-76 depend, for the reasons discussed above with regard to the rejection of claim 5, applicant respectfully submits that claims 57-76 are not made obvious under 35 U.S.C. §103(a) by Singh in view of Salimando.

The Examiner also rejected claim 85 under 35 U.S.C. §103(a) for substantially the same reasons set forth in the rejection of claim 5. Claim 85 depends from claim 77 that discloses substantially similar limitations as claim 1, and recites *sending a list of service providers via an Internet connection, indicating a real-time availability and a rate of each service provider on*



*the list.* (Emphasis added) Because neither Singh nor Salimando disclose this feature as taught by applicant's claim 77 from which claims 78-96 depend, for the reasons discussed above with regard to the rejection of claim 5, applicant respectfully submits that claims 77-96 are not made obvious under 35 U.S.C. §103(a) by Singh in view of Salimando.

**Singh in view of Mangetsu**

The Examiner has rejected claims 8, 20, 21, 22, 23, 41, and 81 under 35 U.S.C. §103(a) as being unpatentable over Singh in view of Mangetsu. In regard to the rejection of claims 8, 20, 21, 22, 23, 41, and 81, the Examiner states that:

Singh failed to teach "the user's selection...internet connection".  
However, Mangetsu teach on sections [0061], [0065], and claim 4 page 8 selecting a particular web page (claimed "selection of a service provider") via the internet....

(2/20/04, Office Action, p. 9)

Applicants respectfully submit that claims 1-100 are not obvious in view of the combination of Singh and Mangetsu. It is respectfully submitted that it would be impermissible hindsight, based on applicant's own disclosure, to combine Singh and Mangetsu. Even if Singh and Mangetsu were combined, such a combination would lack one or more features of the rejected claims. In regard to the rejection of claim 8, claim 8 depends from claim 1 that recites the feature of "*a first logic unit to **provide a list of service providers via an Internet connection, indicating a real-time availability and a rate of each service provider of the service providers***" (claim 1) (emphasis added). Singh does not disclose these features for the reasons discussed above regarding the rejection of claim 1. Likewise, Mangetsu does not disclose one or more of these features as well, as shown by the following analysis.

Particularly, Mangetsu does not describe *indicating a real-time availability and a rate of each service provider*, as claimed by applicant. Mangetsu describes an information providing system, connection control server and connecting and accounting method. (Mangetsu, title)

Mangetsu's claim 4 claims: preparing a list of candidate web pages, transmitting the list of candidate web pages, and selecting a particular web page. However, Mangetsu does not describe the content of the web pages or the list of web pages since his concern is how to charge customers for the preparation and provisioning of the contents list. (Mangetsu, [0119]) Thus, Mangetsu does not describe *indicating a real-time availability and a rate of each service provider*, as claimed by applicant. Furthermore, Mangetsu does not *provide a list of service providers via an Internet connection* since the use of web pages generically does not teach service providers as claimed by applicant. Because the combination of Singh and Mangetsu does not disclose these features as taught by applicant and given that claims 2-16 depend from claim 1, it is respectfully submitted that claims 1-16 are not made obvious under 35 U.S.C. §103(a) by Singh in view of Mangetsu.

The Examiner also rejected claims 20-23 under 35 U.S.C. §103(a) for substantially the same reasons set forth in the rejection of claim 8. Claims 20-23 depend from claim 17 that discloses substantially similar limitations as claim 1, and recites *a first logic unit to provide a list of service providers via an Internet connection, indicating a real-time availability and a rate of each service provider of the service providers*. (Emphasis added) Because neither Singh nor Mangetsu disclose this feature as taught by applicant's claim 17 from which claims 18-36 depend, for the reasons discussed above with regard to the rejection of claim 8, applicant respectfully submits that claims 17-36 are not made obvious under 35 U.S.C. §103(a) by Singh in view of Mangetsu.

The Examiner also rejected claim 41 under 35 U.S.C. §103(a) for substantially the same reasons set forth in the rejection of claim 8. Claim 41 depends from claim 37 that discloses substantially similar limitations as claim 1, and recites *sending a list of service providers via an Internet connection, indicating a real-time availability and a rate of each service provider on the list*. (Emphasis added) Because neither Singh nor Mangetsu disclose this feature as taught by applicant's claim 37 from which claims 38-56 depend, for the reasons discussed above with

regard to the rejection of claim 8, applicant respectfully submits that claims 37-56 are not made obvious under 35 U.S.C. §103(a) by Singh in view of Mangetsu.

The Examiner also rejected claim 81 under 35 U.S.C. §103(a) for substantially the same reasons set forth in the rejection of claim 8. Claim 85 depends from claim 77 that discloses substantially similar limitations as claim 1, and recites *sending a list of service providers via an Internet connection, indicating a real-time availability and a rate of each service provider on the list.* (Emphasis added) Because neither Singh nor Mangetsu disclose this feature as taught by applicant's claim 77 from which claims 78-96 depend, for the reasons discussed above with regard to the rejection of claim 8, applicant respectfully submits that claims 77-96 are not made obvious under 35 U.S.C. §103(a) by Singh in view of Mangetsu.

**Singh in view of Reece**

The Examiner has rejected claims 9-15, 28-33, 35, 47-55, 67-75, and 87-95 under 35 U.S.C. §103(a) as being unpatentable over Singh in view of Reece. In regard to the rejection of claims 9, 28, 47, 67, and 87, the Examiner states that:

Singh failed to teach "the pre-established...service provider". However, Reece et al teach on column 6 line 39-43 select the lowest-cost service provider.

(2/20/04, Office Action, p. 9)

Applicants respectfully submit that claims 1-100 are not obvious in view of the combination of Singh and Reece. It is respectfully submitted that it would be impermissible hindsight, based on applicant's own disclosure, to combine Singh and Reece. Even if Singh and Reece were combined, such a combination would lack one or more features of the rejected claims. In regard to the rejection of claims 9-15, claims 9-15 depend from claim 1 that recites the feature of "*a first logic unit to provide a list of service providers via an Internet connection, indicating a real-time availability and a rate of each service provider of the service providers*" (claim 1) (emphasis added). Singh does not disclose these features for the reasons discussed

above regarding the rejection of claim 1. Likewise, Reece does not disclose one or more of these features as well, as shown by the following analysis.

Reece provides a mobile communication service provider selection system. (Reece, abstract) More particularly, Reece describes a system and method for enabling a user of wireless communication services such as mobile cellular telephone services to easily switch among various available service providers based on real time cost and service feature information.

(Reece, abstract) Each mobile communication device receives and demodulates **one-way broadcasts 13 of the base transmitters 12** to determine the per minute rate that each wireless service provider in the range of the broadcast station is charging. (Reece, col. 6, ll. 21-27)

Nowhere in Reece's patent, does he describe an Internet connection, let alone *providing a list of service providers via an Internet connection*, as claimed by applicant in claim 1. Because the combination of Singh and Reece does not disclose these features as taught by applicants and given that claims 2-16 depend from claim 1, it is respectfully submitted that claims 1-16 are not made obvious under 35 U.S.C. §103(a) by Singh in view of Reece.

The Examiner also rejected claim 28 under 35 U.S.C. §103(a) for substantially the same reasons set forth in the rejection of claim 9. Claims 28-33 and 35 depend from claim 17 that discloses substantially similar limitations as claim 1, and recites *a first logic unit to provide a list of service providers via an Internet connection, indicating a real-time availability and a rate of each service provider of the service providers*. (Emphasis added) Because neither Singh nor Reece disclose this feature as taught by applicant's claim 17 from which claims 18-36 depend, for the reasons discussed above with regard to the rejection of claim 9, applicant respectfully submits that claims 17-36 are not made obvious under 35 U.S.C. §103(a) by Singh in view of Reece.

The Examiner also rejected claim 47 under 35 U.S.C. §103(a) for substantially the same reasons set forth in the rejection of claim 9. Claims 47-55 depend from claim 37 that discloses substantially similar limitations as claim 1, and recites *sending a list of service providers via an Internet connection, indicating a real-time availability and a rate of each service provider on*

*the list.* (Emphasis added) Because neither Singh nor Reece disclose this feature as taught by applicant's claim 37 from which claims 38-56 depend, for the reasons discussed above with regard to the rejection of claim 9, applicant respectfully submits that claims 37-56 are not made obvious under 35 U.S.C. §103(a) by Singh in view of Reece.

The Examiner also rejected claim 67 under 35 U.S.C. §103(a) for substantially the same reasons set forth in the rejection of claim 9. Claims 67-75 depend from claim 57 that discloses substantially similar limitations as claim 1, and recites ***providing the user with a list of alternate service providers via an Internet connection, indicating a real-time availability and a rate of each alternate service provider.*** (Emphasis added) Because neither Singh nor Reece disclose this feature as taught by applicant's claim 57 from which claims 58-76 depend, for the reasons discussed above with regard to the rejection of claim 9, applicant respectfully submits that claims 57-76 are not made obvious under 35 U.S.C. §103(a) by Singh in view of Reece.

The Examiner also rejected claim 87 under 35 U.S.C. §103(a) for substantially the same reasons set forth in the rejection of claim 9. Claims 87-95 depend from claim 77 that discloses substantially similar limitations as claim 1, and recites ***sending a list of service providers via an Internet connection, indicating a real-time availability and a rate of each service provider on the list.*** (Emphasis added) Because neither Singh nor Reece disclose this feature as taught by applicant's claim 77 from which claims 78-96 depend, for the reasons discussed above with regard to the rejection of claim 9, applicant respectfully submits that claims 77-96 are not made obvious under 35 U.S.C. §103(a) by Singh in view of Reece.

**Singh in view of Reece and Nakano**

The Examiner has rejected claims 16, 36, 56, 76, and 96 under 35 U.S.C. §103(a) as being unpatentable over Singh in view of Reece and in further view of Nakano. In regard to the rejection of claims 16, 36, 56, 76, and 96, the Examiner states that:

Singh in view of Reece et al... failed to teach “the reliability...previous users”. However, Nakano teaches on section [0037] selects a base station with the highest success call connection rate.

(2/20/04, Office Action, p. 12)

Applicants respectfully submit that claims 1-100 are not obvious in view of the combination of Singh, Reece, and Nakano. It is respectfully submitted that it would be impermissible hindsight, based on applicant's own disclosure, to combine Singh, Reece, and Nakano. Even if Singh and Nakano were combined, such a combination would lack one or more features of the rejected claims. In regard to the rejection of claim 16, claim 16 depends from claim 1 that recites the feature of “*a first logic unit to provide a list of service providers via an Internet connection, indicating a real-time availability and a rate of each service provider of the service providers*” (claim 1) (emphasis added). Singh does not disclose these features for the reasons discussed above regarding the rejection of claim 1. Similarly, Reece does not disclose these features for the reasons discussed above regarding the rejection of claim 9. Likewise, Nakano does not disclose these features as well, as shown by the following analysis.

Nakano provides a mobile station apparatus and handover method to prevent an increase in power consumption, deterioration of uplink communication quality, and failure of call connection. (Nakano, [0009]) Nowhere in Nakano's patent, does he describe an Internet connection, let alone *providing a list of service providers via an Internet connection*, as claimed by applicant in claim 1. Nor does Nakano describe *indicating a real-time availability and a rate of each service provider*. (claim 1) Because the combination of Singh, Reece, and Nakano does not disclose these features as taught by applicants and given that claims 2-16 depend from claim 1, it is respectfully submitted that claims 1-16 are not made obvious under 35 U.S.C. §103(a) by Singh in view of Reece and Nakano.

The Examiner also rejected claim 36 under 35 U.S.C. §103(a) for substantially the same reasons set forth in the rejection of claim 16. Claim 36 depends from claim 17 that discloses substantially similar limitations as claim 1, and recites *a first logic unit to provide a list of service*

*providers via an Internet connection, indicating a real-time availability and a rate of each service provider of the service providers.* (Emphasis added) Because neither Singh nor Nakano disclose this feature as taught by applicant's claim 17 from which claims 18-36 depend, for the reasons discussed above with regard to the rejection of claim 16, applicant respectfully submits that claims 17-36 are not made obvious under 35 U.S.C. §103(a) by Singh in view of Reece and Nakano.

The Examiner also rejected claim 56 under 35 U.S.C. §103(a) for substantially the same reasons set forth in the rejection of claim 16. Claim 56 depends from claim 37 that discloses substantially similar limitations as claim 1, and recites *sending a list of service providers via an Internet connection, indicating a real-time availability and a rate of each service provider on the list.* (Emphasis added) Because neither Singh nor Nakano disclose this feature as taught by applicant's claim 37 from which claims 38-56 depend, for the reasons discussed above with regard to the rejection of claim 16, applicant respectfully submits that claims 37-56 are not made obvious under 35 U.S.C. §103(a) by Singh in view of Reece and Nakano.

The Examiner also rejected claim 76 under 35 U.S.C. §103(a) for substantially the same reasons set forth in the rejection of claim 16. Claim 76 depends from claim 57 that discloses substantially similar limitations as claim 1, and recites *providing the user with a list of alternate service providers via an Internet connection, indicating a real-time availability and a rate of each alternate service provider.* (Emphasis added) Because neither Singh nor Nakano disclose this feature as taught by applicant's claim 57 from which claims 58-76 depend, for the reasons discussed above with regard to the rejection of claim 16, applicant respectfully submits that claims 57-76 are not made obvious under 35 U.S.C. §103(a) by Singh in view of Reece and Nakano.

The Examiner also rejected claim 96 under 35 U.S.C. §103(a) for substantially the same reasons set forth in the rejection of claim 16. Claim 96 depends from claim 77 that discloses substantially similar limitations as claim 1, and recites *sending a list of service providers via an*

***Internet connection, indicating a real-time availability and a rate of each service provider on the list.*** (Emphasis added) Because neither Singh nor Nakano disclose this feature as taught by applicant's claim 77 from which claims 78-96 depend, for the reasons discussed above with regard to the rejection of claim 16, applicant respectfully submits that claims 77-96 are not made obvious under 35 U.S.C. §103(a) by Singh in view of Reece and Nakano.

**Singh in view of the alleged knowledge**

The Examiner has rejected claim 62 is rejected under 35 U.S.C. §103(a) as being unpatentable over Singh in view of the alleged knowledge in the art. In regard to the rejection of claim 62, the Examiner states that:

Singh failed to teach "the selected...service provider". However, "Official Notice" is taken that it is old and well known in one skilled the art that receiving a commission for referral of a customer is a common business practice.

(2/20/04, Office Action, p. 12)

Applicants respectfully submit that claims 1-100 are not obvious in view of the combination of Singh and the alleged knowledge. The combination of Singh and the alleged knowledge would lack one or more features of the rejected claims. In regard to the rejection of claim 62, claim 62 depends from claim 57 that recites the feature of ***providing the user with a list of alternate service providers via an Internet connection, indicating a real-time availability and a rate of each alternate service provider.*** (emphasis added). Singh does not disclose these features for the reasons discussed above regarding the rejection of claim 1. Nor does the alleged knowledge. Because the combination of Singh and the alleged knowledge does not disclose these features as taught by applicants and given that claims 2-16 depend from claim 1, it is respectfully submitted that claims 1-16 are not made obvious under 35 U.S.C. §103(a) by Singh in view of the alleged knowledge.



**Singh in view of Dillon**

The Examiner has rejected claims 65 and 66 under 35 U.S.C. §103(a) as being unpatentable over Singh in view of Dillon. In regard to the rejection of claims 65 and 66, the Examiner states that:

Singh failed to teach “the selected...with the user”. However, Dillon teaches on column 2 line 14-31 when the user (read on claimed “selected service provider”) is prevented in receiving the incoming telephone call (reads on claimed “missed connection”) an email notification is sent.

(2/20/04, Office Action, p. 13)

Applicants respectfully submit that claims 1-100 are not obvious in view of the combination of Singh and Dillon. It is respectfully submitted that it would be impermissible hindsight, based on applicant's own disclosure, to combine Singh and Dillon. Even if Singh and Dillon were combined, such a combination would lack one or more features of the rejected claims. In regard to the rejection of claims 65 and 66, claims 65 and 66 depend from claim 57 that recites the feature of ***providing the user with a list of alternate service providers via an Internet connection, indicating a real-time availability and a rate of each alternate service provider.*** (emphasis added). Singh does not disclose these features for the reasons discussed above regarding the rejection of claim 1. Likewise, Dillon does not disclose these features as well, as shown by the following analysis.

Dillon provides an electronic mail notification system and method within a hybrid network that transmits notifications via a continuous, high-speed channel. (Dillon, title) Nowhere in Dillon's patent, does he describe an Internet connection, let alone providing the user with a list of alternate service providers via an Internet connection, indicating a real-time availability and a rate of each alternate service provider, as claimed by applicant in claim 57. Nor does Dillon describe ***indicating a real-time availability and a rate of each alternate service provider.*** (claim 57) Because the combination of Singh and Dillon does not disclose these features as taught by applicants and given that claims 58-76 depend from claim 57, it is

respectfully submitted that claims 57-76 are not made obvious under 35 U.S.C. §103(a) by Singh in view of Dillon.

**Singh in view of Khazaka**

The Examiner has rejected claim 99 under 35 U.S.C. §103(a) as being unpatentable over Singh in view of Khazaka. In regard to the rejection of claim 99, the Examiner states that:

Singh failed to teach "the user...with the user". However, Khazaka et al teach on column 1 line 27-33 a wireless telephone user may select leaving a message with a callback number for reconnection.

(2/20/04, Office Action, p. 13)

Applicants respectfully submit that claims 1-100 are not obvious in view of the combination of Singh and Khazaka. It is respectfully submitted that it would be impermissible hindsight, based on applicant's own disclosure, to combine Singh and Khazaka.

Even if Singh and Khazaka were combined, such a combination would lack one or more features of claim 99. In regard to the rejection of claim 99, claim 99 depends from claim 97 that recites the feature of *a first logic unit to provide a list of service providers via an Internet connection, indicating a real-time availability and a rate of each service provider of the service providers* (emphasis added). Singh does not disclose these features for the reasons discussed above regarding the rejection of claim 1. Likewise, Khazaka does not disclose these features as well, as shown by the following analysis.

Khazaka provides a system and method for use of dual-tone multi frequency signals in a wireless communication system. (Khazaka, title) Nowhere in Khazaka's patent, does he describe an Internet connection, let alone *a first logic unit to provide a list of service providers via an Internet connection*, as claimed by applicant in claim 97. Nor does Khazaka describe *indicating a real-time availability and a rate of each service provider*. (claim 97) Because the combination of Singh and Khazaka does not disclose these features as taught by applicants and given that

claims 98-100 depend from claim 97, it is respectfully submitted that claims 97-100 are not made obvious under 35 U.S.C. §103(a) by Singh in view of Khazaka.

**Singh in view of Owen**

The Examiner has rejected claim 100 under 35 U.S.C. §103(a) as being unpatentable over Singh in view of Owen. In regard to the rejection of claim 100, the Examiner states that:

Singh failed to teach “the user...service provider”. However, Owen et al teach on column 14 line 37-40 reserve a time for callback.

(2/20/04, Office Action, p. 13)

Applicants respectfully submit that claims 1-100 are not obvious in view of the combination of Singh and Owen. It is respectfully submitted that it would be impermissible hindsight, based on applicant's own disclosure, to combine Singh and Owen. Even if Singh and Owen were combined, such a combination would lack one or more features of the rejected claims. In regard to the rejection of claim 100, claim 100 depends from claim 97 that recites the feature of *a first logic unit to provide a list of service providers via an Internet connection, indicating a real-time availability and a rate of each service provider of the service providers* (emphasis added). Singh does not disclose these features for the reasons discussed above regarding the rejection of claim 1. Likewise, Owen does not disclose these features as well, as shown by the following analysis.

Owen provides a connection management system for setting up connections in a communications network, run-time negotiation is carried out to avoid feature interaction. (Owen, abstract) Nowhere in Owen's patent, does he describe an Internet connection, let alone *a first logic unit to provide a list of service providers via an Internet connection* as claimed by applicant in claim 97. Nor does Owen describe *indicating a real-time availability and a rate of each service provider*. (claim 97, emphasis added) Because the combination of Singh and Owen does not disclose these features as taught by applicants and given that claims 98-100 depend from

claim 97, it is respectfully submitted that claims 97-100 are not made obvious under 35 U.S.C. § 103(a) by Singh in view of Owen.

CONCLUSION

In view of the foregoing, it is believed that all claims now pending (1) are in proper form, (2) are neither obvious nor anticipated by the relied upon art of record, and (3) are in condition for allowance. A Notice of Allowance is earnestly solicited at the earliest possible date. If the Examiner believes that a telephone conference would be useful in moving the application forward to allowance, the Examiner is encouraged to contact the undersigned at (408) 720-8300.

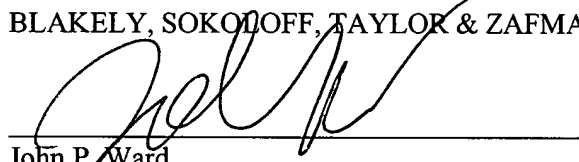
If necessary, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly, extension of time fees.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date:

6/22/04

  
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